

According to the final report of the BPDG, a "broadcast flag" is recommended on unencrypted digital television broadcasts to enforce redistribution of DTV content. Such a "flag" would enforce an undue burden on hardware and software makers by enforcing use of the "flag" on any medium intended to re-broadcast the unencrypted DTV signal. Not only would the primary device require such a flag, but, for consumers, all devices intended to view the broadcast must also honor the flag.

Software and hardware that bypasses the "broadcast flag" would be deemed illegal, except when in compliance with section 4.12 of the final report. Surely consumers would not be allowed to be in possession of such devices. Freely available software (<http://www.opensource.org>, <http://www.fsf.org/philosophy/philosophy.html>), free to be used by all consumers, would most definitely not fall under the exceptions in section 4.12 nor 4.6 and would therefore be illegal. While those organizations providing digital content have a right to protect their copyright, they do not have the right to do so at the detriment of the consumer. The consumer has nothing to gain by the enforcement of a "broadcast flag". Consumers would not be "harmed" if the FCC declines to enforce the "broadcast flag" forcing the content providers to delay introduction of digital content for fear of widespread illegal distribution.

The content providers, by requiring a "broadcast flag", wish to enforce their old business model in a world of digital signals, the internet, and increasing use of broadband networks. Rather than embracing the digital age and the age of the Internet, the content providers seek to shoehorn their old business model into the communications medium of the future.

If DTV content providers wish to secure their content, they should encrypt it.

I urge the FCC not to require the embedding of a "broadcast flag" in DTV signals.